

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN STATE PAINTERS
INSURANCE FUND, *et al.*,

Plaintiffs,

Case No. 05-60284

v.

Hon. John Corbett O'Meara

D & D DECORATING
ENTERPRISES, L.L.C., *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On December 9, 2005, Plaintiffs filed their complaint, which alleges violations of 29 U.S.C. § 1132 (ERISA) and the Michigan Builders Trust Fund Act, M.C.L. §570.151-53. Although Plaintiffs' ERISA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiffs' Michigan Builders Trust Fund Act claim arises under state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Because Plaintiffs do not assert diversity jurisdiction under 28 U.S.C. § 1332, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' Michigan Builders Trust Fund Act claim is **DISMISSED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: January 24, 2006